

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

|                   |   |           |
|-------------------|---|-----------|
| TERRY F. GARNER,  | ) |           |
|                   | ) |           |
| Plaintiff,        | ) |           |
|                   | ) |           |
| v.                | ) | 1:17CV623 |
|                   | ) |           |
| HOKE CORRECTIONAL | ) |           |
| INSTITUTION,      | ) |           |
|                   | ) |           |
| Defendant.        | ) |           |

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on July 13, 2017, was served on the parties in this action. [Docs. # 2, 3.] No objections were filed within the time limits prescribed by § 636.<sup>1</sup>

Therefore, the Court need not make a de novo review, and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper

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<sup>1</sup> Within this period, Plaintiff submitted a filing that did not object to the Recommendation, but instead requested an "extintion [sic] of time to file IFP and Complaint." (Doc. # 4 at 1 (all-cap font and asterisks omitted).) Because no court-imposed deadline for filing such documents exists, Plaintiff's extension request qualifies as moot.

§ 1983 forms, which corrects the defects cited in the Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 4<sup>th</sup> day of August, 2017.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge